

Meeting	Area Planning Sub-Committee
Date	2 February 2017
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Flinders, Looker, Mercer and Reid (Substitute for Councillor Orrell)
Apologies	Councillor Orrell

Site	Visited by	Reason
Land to the Rear of 49 Osbaldwick Village, Osbaldwick	Councillors Galvin, Reid, Shepherd, Mercer, Hunter and Flinders.	As the recommendation was to approve and objections had been received.
Novotel, Fewster Way	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill.	As the recommendation was to approve and objections had been received.
Mount Pleasant Caravan Park, Acaster Malbis	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill	As the recommendation was to approve and objections had been received.
105 Bishopthorpe Road	Councillors Galvin, Reid, Shepherd, Mercer, Hunter, Flinders and Craghill	To allow Members to assess the impact of the proposal on the amenity of neighbouring properties.

38. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda. None were declared.

39. Minutes

Resolved: That the minutes of the last Area Planning Sub Committee held on 5 January 2017 be approved and then signed by the Chair as a correct record.

40. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

41. Plans List

Members considered a schedule of reports of the Assistant Director (Planning and Public Protection) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

41a) Stonebow House, The Stonebow, York (16/02856/FUL)

Members considered a full major application by Oakgate Central York Ltd for Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units, change of use and additional floor space at ground floor units to flexible uses within use classes A1/A3/A4/D2 and associated external alterations to car parking and landscaping (amendment of approved application 16/01003/FUL to allow up to 900sq.m of use class D2 floor space at ground floor level).

Officers circulated an update, which was attached to the online agenda following the meeting, containing amendments to conditions 14 and 17.

Resolved: That the application be approved subject to conditions listed in the Officer's report and the amendments to conditions 14 and 17.

Reason: The commercial space within the building was predominantly occupied by night-time uses. The recently approved scheme did not restrict the amount of commercial space that could be used as restaurants and drinking establishments. The

proposed addition of a limited amount of D2: Assembly and Leisure use within the approved flexible uses for the commercial space would be acceptable in principle in this city centre location; the buildings refurbishment will still enhance the vitality and viability of the locality or the city centre as a whole. There are no additional external changes proposed; in this respect the scheme is as was previously approved by Members.

The scheme is policy compliant and can be acceptable subject to conditions; those imposed on the previous permission and the addition of conditions (proposed conditions 14 and 17) to limit the extent of D2 use, so it does not dominate the ground floor area and a condition to prevent noise pollution.

**41b) Fossbank Boarding Kennels, Strensall Road
(16/02792/OUT)**

Members considered an outline application by A & M Royle & Barker for Erection of 4no. dwellings served by a new access road from the existing driveway following demolition of existing kennels, stables, quarantine and cattery buildings.

Two written representations in support of the application were circulated at the meeting, one of which was from Councillor Doughty, Ward Member.

Councillor Leveson spoke on behalf of Earswick Parish Council in support of the application. She stated that four dwellings would have minimal impact on the surrounding area and that it was felt the special circumstances were still relevant, as this application was only for a change in building materials.

Jennifer Hubbard spoke as the agent for the applicant to clarify that the application was merely to give developers freedom in terms of building materials as buyers had been unable to obtain mortgages for kit homes.

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason:

- i. The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPP, and by definition causes harm to the Green Belt. However, in determining application 15/02843/FUL, Members resolved that the proposals would not materially affect the openness of the Green Belt and considered that the applicant had demonstrated that very special circumstances existed to justify approving the application despite, the potential harm to the Green Belt by reason of inappropriateness. Application 15/02843/FUL for the erection of four dwellings remains extant and, subject to the necessary condition discharge can be implemented.
- ii. This extant permission constitutes very special circumstances for supporting inappropriate development in the green belt as submitted in this outline application. It is not considered that there are any material considerations or objections raised that would warrant refusing in principle this outline application. It is considered however that an increase in housing numbers and scale of dwellings, would detract from the open character and appearance of the green belt, and accordingly would be contrary to Section 9 (Protecting Green Belt Land) of the NPPF and Policy GP15a of the 2005 Draft Local Plan. It is therefore considered that development be restricted to a maximum of four single storey dwellings, with any additional accommodation contained within the roof space.

41c) 30 Southfield Close, Rufforth (16/02700/FUL)

Members considered a full application by Mr. Alex Kirby for a variation of condition 2 of permitted application 16/01635/FUL to amend approved drawings to include 3no. roof lights to front

and reposition the detached garage and for the removal of condition 6 relating to working hours.

Officers gave a verbal update and clarified that this was an application to amend drawings and for the removal of a restriction on working hours. It was stated that the applicants were carrying out much of the work themselves they were finding the restricted hours difficult to adhere to. Officers felt that it was more effective to control hours of construction under the Control of Pollution Act which would be enforced by Public Protection.

Danila Taylor, a neighbour, spoke in objection to the application. She felt that the committee had conditioned the hours when the application was approved for good reason and that there had been no change that would warrant going back on this. She stated that she was housebound much of the time due to illness and now felt unable to venture into her garden due to the level of construction noise.

In response to member questions Officers clarified that the fact much of the work was being done by 'DIY' did not mean the application had to be considered any differently to an application for a professional build.

Resolved:

- i. To approve the variation of condition 2 in relation to amended drawings
- ii. To retain hours of construction condition (NOISE7).

Reason:

- i. It is considered that the amendments to the roof and garage can be carried out without significant harm to the appearance of the street scene or residential amenity.
- ii. That the removal of condition 6 would cause undue harm to residential amenity.

41d) 105 Bishopthorpe Road, York (16/02574/FUL)

Members considered a full application by Mrs Mc Nichol for a change of use of part of dwelling (use class C3) to mixed use dwelling and child minders (use class C3/D1).

Officers circulated an update, which was attached to the online agenda following the meeting, stating that there had been a further three letters of support and one in objection. A further letter of objection was circulated at the meeting.

John Howlett, agent for the applicant, spoke to clarify the nature of the application and the hours of operation. He stated that there was a huge need for childcare and wraparound care in the area and that this business was therefore much needed. He also explained that there was no intention to increase the numbers of children being looked after due to the new annex, this was merely to allow for more privacy for the applicant's family.

In response to a question asked of the agent, members clarified that as per page 67(3.1) there had been no noise complaints relating to the address received by Public Protection.

Councillor Hayes, Ward Member and a neighbour, spoke in support of the application. He stated that Mrs Mc Nichol ran a very professional service and that local parents would struggle without her service. He suggested that most parents collected children on foot and that drop off/pick ups were staggered throughout the day. He said that no complaints had been received about the business in 8 years of operation.

During debate Members raise the following points:

- This was an established use
- There was a shortage of childcare for working parents in the area
- The applicant was happy to accept conditions
- The new extension moved the children away from the party wall
- The business was well regulated
- There were no clear grounds to support the Officer recommendation to refuse

Councillor Carr moved to approve, with a condition that there be no increase in numbers. Councillor Cannon seconded this.

Resolved: The children's day nursery use shall only operate Monday to Friday (excluding bank and public holidays) and shall be restricted to the following number of children and hours of operation:

08:15 to 08:45 no more than 15 children

08:45 to 16:00 no more than 8 children

16:00 to 18:00 no more than 15 children

Reason: The use provides a service to local families and there is a shortage of childcare facilities in the area. Subject to conditions restricting the number of children attending the day nursery and its hours of operation the use would not result in undue noise and disturbance to neighbouring residential properties. The scheme complied with the NPPF and draft local plan policies.

41e) Novotel, Fewster Way (16/02518/FULM)

Members considered a major full application by Mr Steve Smith for a five storey side extension to accommodate 22no. guest rooms and single storey front and rear extensions.

Officers provided an update which was attached to the online agenda following the meeting. This detailed revised plans which had been submitted by the applicant and an alteration to condition 2 of the report.

In response to Member questions on cycle parking, Officers confirmed that an informative would be added to ensure that cycle parking would be provided at the front entrance for day visitors in addition to the planning secure cycle parking at the rear.

Members commented that there was no issue in using brick as a cladding material as this was standard and that the extension would not be prominent in views from the public highway.

Resolved: To approve subject to the conditions in the Officers report, and the amendment to condition 2, along with the following informative:

It is expected that cycle parking which is covered and secure be provided for staff, guests and visitors. Provision for the latter should be identifiable from the main entrance.

Reason:

- i. The extension to the hotel is acceptable in principle; the site is in a sustainable location and there would be no increased flood risk. The design and impact on residential amenity are acceptable; the revised scheme, which would have brick as the primary material, would be of a design which compliments the setting. Conditions can be used to deal with archaeology and any noise from additional plant/machinery required as a consequence of this proposal.
- ii. The scheme is not in conflict with NPPF policy and nor does it conflict with the relevant policies of the emerging local plan listed in section 2.

**41f) Land to rear of 49 Osbaldwick Village, Osbaldwick
(16/02449/FUL)**

Members considered a full application by Mr K Linfoot for a variation of condition 2 of permitted application 15/00808/FUL to include a single storey rear extension, alteration of a window to a pair of French doors, insertion of additional roof lights, alterations to rear dormer and alterations to other windows.

Councillor Warters, Ward Member who called-in the application, spoke in objection. He stated that previous approval was granted on the existing footprint of the barn and that the parameters were now being extended beyond this . He also expressed concern at the overlooking of no. 53 Osbaldwick Village.

In response to Member questions Officers stated that the proposed extension was small, around 10% larger than the current footprint of the barn and it would be restricted to the Ground Floor.

During debate Members raised some of the following points:

- Planning was an evolving process, and being granted approval did not preclude applicants from coming back and amending plans

- This was a minor alteration, the extension was small and the roof lights were too high up to allow overlooking of neighbouring properties

Resolved: That the application be approved subject to the conditions listed in the Officer's report.

Reason: The differences between the approved scheme and the current proposals are minor and would be mainly confined to the rear of the building. None of the changes would harm the character and appearance of the conservation area or have any significant impact on neighbouring occupiers. There are no other material planning issues. The application complies with the National Planning Policy Framework and relevant policies of the 2005 City of York Local Plan.

41g) Site Lying To The Rear Of 1 To 9 Beckfield Lane, York (16/02269/FULM)

Members considered a major full application by Mr Craig Smith for the erection of 11 no. dwellings with associated access road and parking.

Officers gave a brief background to the application, explaining that in December 2015 permission had been granted for 9 dwellings. There had also been a previous application for 12 dwellings which had been refused in 2008. This application was for 11 dwellings, with the addition of a row of 6 terraced houses.

Graham Parker spoke, on behalf of the residents of Brunswick Avenue, in objection to the application. He stated that residents felt the plans were out of character with the surrounding area. They also had concerns surrounding drainage and the loss of parking on Brunswick Avenue.

David Chapman spoke as agent for the applicant. He stated that whilst the applicants appreciated the concerns which had been raised, they felt the alterations to the application were not significant enough to warrant refusal. He also suggested that a row of six houses was not unusual in new speculative housing estates.

During debate members made the following points:

- Some Members felt that the visual impact of terraced housing was not a strong enough reason to refuse, as there were many estates with mixed housing
- There were concerns over parking on Brunswick Avenue.
- Many Members felt that this was overdevelopment of the land and that the original plans for 9 dwellings were more fitting.

Resolved: That the application be refused as per the Officer recommendation.

Reason: Whilst the development is located within a sustainable location it is considered that the erection of a row of terrace properties would introduce a form of development that would be at odds with the prevailing character and form of the area. The application would therefore fail to accord with advice contained within the NPPF and Policies GP10, H4a and GP1 of the City of York Local plan which state that housing developments should be of an appropriate scale and density that is compatible with neighbouring buildings and spaces and not be detrimental to the character and amenity of the local environment.

**41h) Walker Nicholas Architects Ltd, 42 Oxford Street
(16/02111/FUL)**

Members considered a full application by Walker Nicholas Architects Ltd for an extension to the existing building to create additional office accommodation on first and second floors above the rear ground floor parking area, including demolition of existing garage.

As this application had previously been reported to sub-committee in January, Officers clarified the reasons this had been brought before them again – namely to clarify comments made by officers at the meeting about controls of the hours of use at the premises.

Resolved: That the application be approved, subject to the conditions listed in the Officer's report.

Reason: The design of the proposed office extension design is considered to preserve the character and appearance of the conservation area. It is considered that the proposed development would not result in unacceptable levels of overshadowing or overlooking and would not adversely impact on the availability of car parking in the area. As such it is considered that the scheme would comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and accord with advice contained within the NPPF and policies E4, HE2 and HE3 of the City of York Council Draft Local Plan (2005).

**41i) Mount Pleasant Caravan Park, Acaster Malbis
(16/02480/FUL)**

Members considered a full application by Mr W Flannigan for the layout of an additional 10 caravan pitches on an existing site.

Mr Winston Parr spoke, as the agent for the applicant, to clarify that this was not an application for a change of use but merely to move from 60 caravans to 70. He stated that his would not be considered over development as the site would still fall within density standards.

Resolved: That the application be approved subject to the conditions in the Officer's report.

Reason: The proposal represents a revised re-submission of an earlier proposal for 13 pitches that was refused on the grounds of impact upon the amenity of prospective occupiers and those surrounding. It is felt, on balance, that the current proposal would not give rise to conditions prejudicial to the residential amenity of prospective occupants and is therefore acceptable in planning terms.

Councillor Galvin, Chair

[The meeting started at 4.30 pm and finished at 6.20 pm].